



Natural Resources Conservation Service
P.O. Box 2890
Washington, D.C. 20013

MAY - 7 2007

SUBJECT: EOP – Official Time Policy

TO: All NRCS Employees

File Code: 230

As Chief, I am firmly committed to ensuring that the Natural Resources Conservation Service (NRCS) complies with the Equal Employment Opportunity (EEO) Commission and the Department of Agriculture guidance on representation and official time for employees engaged in the EEO complaint process.

The purpose of this policy statement is to clarify “official time” for the purposes of pursuing an EEO complaint.

A handwritten signature in black ink, appearing to read "A. Lancaster", is written over a horizontal line.

Arlen L. Lancaster
Chief



NATURAL RESOURCES CONSERVATION SERVICE

OFFICIAL TIME POLICY STATEMENT

This policy statement is intended to provide clarity regarding the use of official time and Agency resources by employees pursuing administrative equal employment opportunity (EEO) complaints against NRCS before the Equal Employment Opportunity Commission (EEOC). Also, the policy is intended to provide clarity regarding the use of official time by NRCS employees who are designated as representatives of other NRCS employees in employment discrimination matters. However, this policy is limited solely to clarification of the process for requesting official time regarding administrative complaints of employment discrimination and use of Agency resources to pursue such complaints.

employees working for NRCS, with clarity regarding the use of official time and Agency resources by employees pursuing administrative equal employment opportunity (EEO) complaints against NRCS before the Equal Employment Opportunity Commission (EEOC). Also, the policy is intended to provide clarity regarding the use of official time by NRCS employees who are designated as representatives of other NRCS employees in employment discrimination matters. However, this policy is limited solely to clarification of the process for requesting official time regarding administrative complaints of employment discrimination and use of Agency resources to pursue such complaints.

The Agency's general policy is to grant, deny, or reschedule leave based upon a balanced consideration of the needs of the employee's work unit and the circumstances surrounding the employee's request for leave.

This policy becomes effective May 21, 2007, and will apply to all pending complaints that have not yet proceeded to hearing.

Purpose

The following constitutes the Agency's policy with respect to requests by complainants, their representatives, and witnesses for official time during the pre-complaint and formal stages of the

- An Agency employee, who is a witness in a complaint, regardless of whether the complaint is in the employee's Agency or another Department of Agriculture (USDA) agency. The employee must be in a duty status and his/her presence must be authorized or

Official Time for Employee as Complainant

For purposes of this policy, "official time" is time granted to an NRCS employee without charge

Official Time for Employee as Designated Representative

According to EEOC regulations, an employee has the right to a representative of his or her choice during the EEO process. An NRCS employee may designate another NRCS employee as his or her representative in an administrative complaint of employment discrimination. An NRCS employee representative may have a reasonable amount of official time, if otherwise in duty status, to assist in preparation of a complaint, to assist in responding to requests for information from the Agency, or from the EEOC Administrative Judge, to meet with Agency officials, to prepare for meetings with Agency officials, to prepare for the hearing, and to present the case before the EEOC.

Designation of Representative

[Redacted content]

Official Time Limited to Representation of NRCS

If an Agency employee serves as an EEO representative for an individual who is not employed by NRCS or represents an applicant for employment who is not an NRCS employee, the

policy applies only to representation of Agency employees.

No Change in Schedules, Wages, or Travel Expenses

The Agency is not obligated to change work schedules, incur overtime wages, or pay travel expenses to facilitate an employee's choice of a specific representative or to allow the complainant and representative to confer.

Determining Reasonable Amount of Official Time


The amount of official time that is reasonable for a given activity in any given matter must be considered on a case-by-case basis. NRCS will not reject the amount of official time requested as unnecessary without making efforts to ascertain why the employee believes the time is required. "Reasonable" is defined as whatever is appropriate, under the particular circumstances of the complaint, in order to allow a complete presentation of the relevant information associated with the complaint and to respond to Agency requests for information, EEOC Management Directive 110 (MD-110), Chap. 6, Sec. VIII(C)(1). The actual number of hours to which a complainant and his or her representative will be entitled will vary, depending upon the nature and complexity of the complaint, and considering the mission of the Agency and the Agency's need to have its employees available to perform their normal duties on a regular basis. The complainant and the Agency should arrive at a mutual understanding as to the amount of official time to be used prior to use of such time.

Meeting and Hearing Time

Most of the time spent by complainants and their representatives during the processing of a typical complaint is spent in meetings requested by Agency officials or EEOC Administrative Judges and in the hearing. Whatever time is spent in such meetings and hearings is automatically deemed reasonable. EEOC MD-110, Chap. 6, Sec. VIII(C) (2). NRCS will, to the extent practical, schedule meetings and request hearing times during the complainants' working hours.

Preparation Time

Because presentation of a complaint of employment discrimination involves preparation for meetings and hearings, as well as attendance at such meetings and hearings, complainants and their representatives are also afforded a reasonable amount of official time, as defined above, to



EEOC considers it reasonable for the Agency to expect its employees to spend most of their time doing the work for which they are employed. Therefore, NRCS may restrict the overall hours of official time afforded to a representative, for both preparation purposes and for attendance at ~~preparation and~~ hearings, to a certain percentage of that representative's duty hours in any given

EEOC considers it reasonable for the Agency to expect its employees to spend most of their time doing the work for which they are employed. Therefore, NRCS may restrict the overall hours of official time afforded to a representative, for both preparation purposes and for attendance at ~~preparation and~~ hearings, to a certain percentage of that representative's duty hours in any given

Process if Request for Official Time is Denied

If the Agency denies a request for official time, either in whole or in part, the Agency will include a written statement in the complaint file noting the reason for the denial. If the Agency's denial of official time is made before the complaint is filed, the Agency will provide the complainant or his/her representative with a written explanation for the denial, which it will

1. If the complainant subsequently files a formal complaint of

**EEO COMPLAINT
REQUEST FOR OFFICIAL TIME**

Name: _____

Area: _____

Address: _____

Telephone: _____ **Fax:** _____ **E-mail:** _____

Approved Working Hours (Example: 8:00am to 4:30pm)

Request for _____ **hours for:** _____

_____ **Preparation/Meeting with Counselor**

_____ **Preparation/Meeting with EEOC, Attorney, Agency Official, etc.**

Statement:

Approved: _____ **Denied:** _____
 Name **Name**

If denied, please state reasons:

May 2007